

REMARKS

INTRODUCTION

In accordance with the following, reconsideration of the allowability of the pending claims is respectfully requested.

Claims 1-18 and 22-44 are pending, with claims 1-8, 15-18, 27-33, and 39-44 being under consideration.

REJECTION UNDER 35 USC §103

Claims 1-8, 15-18, 27-33 and 39-44 stand rejected under 35 USC §103(a) as being unpatentable over Ogihara et al., U.S. Publication No. 2002/0075780. This rejection is respectfully traversed.

Claim 1 of the present application recites that a system controller discriminates a recording medium type of the recording medium by comparing wobble amplitude with a pre-set wobble amplitude value.

On page 4, the Office Action sets forth that, if discrimination of only one between a DVD+RW disk and a DVD-ROM disk is desired, it would have been obvious to one of ordinary skill in the art at the time of invention to have omitted the step/function of comparing LV1 and LV2 from the teachings of Ogihara et al.

However, Ogihara et al. fails to teach or suggest any technical features to be able to omit the step/function of comparing LV1 and LV2, if discrimination of only one between a DVD+RW disk and a DVD-ROM disk is desired.

Moreover, referring to paragraphs 0037 and 0038 of Ogihara et al., the step/function of comparing LV1 and LV2 is described both in the case where a DVD-RW disk is mounted as an optical disk and the case where a DVD+RW disk is mounted as an optical disk. Referring to paragraph 0036 of Ogihara et al., Ogihara et al. discloses the step/function of checking whether or not the relationship of LV1>LV2 is established, as a common step/function, when determining whether the mounted optical disk is a DVD-RW disk or a DVD+RW disk.

Thus, since one of ordinary skill in the art at the time of invention could think that the step/function of comparing LV1 and LV2 is an **essential** step/function in Ogihara et al., it would not have been obvious to a person of ordinary skill in the relevant art to arrive at the above technical feature of claim 1 of the present application from Ogihara et al. without knowledge of claim 1 of the present application.

Accordingly, the applicant respectfully requests that the rejections of claim 1 of the present application and its dependent claims 2-5 based on the Examiner's assertion above be withdrawn.

Claims 6-8, 15, and 27, respectively, recite technical features similar to claim 1, with differing scope and breadth, and thus Claims 6-8, 15, 27 and their dependent claims are also patentable for at least the same reasons as those of claim 1.

#### CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

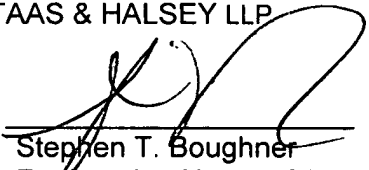
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 10/20/09

By:   
Stephen T. Boughner  
Registration No. 45,317

1201 New York Avenue, NW, 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501